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**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**M.A. No.34/2007**

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**Single Bench: Hon'ble Shri Dilip Raosaheb Deshmukh, J.**

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**Appellant**  
**Defendant**

Shyam Sunder Agrawal,  
Son of Late Kesarimal Agarwal,  
aged about 60 years, Occupation-  
Business, resident of Purana Sadar  
Bazar, Kedar Gali, District Raigarh  
(C.G.)

**Versus**

**Respondent**  
**Plaintiff**

Govind Kumar Mishra, son of Shri  
Damrudhar Mishra, aged about 46  
years, Occupation-Service, presently  
posted as Additional District Judge,  
Korba Permanent resident of  
Kevtapara, Raigarh.

**Appeal under Order 43 Rule 1 (r) of Civil Procedure Code, 1908**

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**Present:-**

None for the appellant.

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**ORAL ORDER**

(Passed on 18<sup>th</sup> July, 2007)

No one appears for the appellant when the matter is called at 4 P.M. Earlier also when the matter was called, no one had appeared on behalf of the appellant.

(2) The appellant is aggrieved by an order dated 11-05-2007 passed by the District Judge, Raigarh in Civil Suit No.1-A/2007 whereby while allowing an application under Order 39 Rules 1 & 2 read with Section 151 of C.P.C. filed by the respondent/plaintiff, the Court below has only directed the appellant/defendant not to alienate the suit property or create third party interest thereon till disposal of suit.

(3) On the last date, learned counsel for the appellant was specifically asked as to whether the appellant/defendant has any inclination to dispose of the suit property. Time was sought till today for making submission.

(4) However, no one appears for the appellant. So far as the directions issued by the lower Court is concerned, no such infirmity or illegality as would warrant any interference in this appeal is seen.

(5) In the result, this appeal being devoid of merit is dismissed at the admission stage.

(6) In view of above, I.A.No.01 for stay also stands dismissed.

Sd/-  
**Dilip Raosaheb Deshmukh**  
Judge